

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

03-CR-6109L

v.

TERRANCE B. WHITE,


Defendant.

This Court originally appointed attorney Paul J. Vacca (“Vacca”) to represent Terrance White (“White”) at trial. Eventually I discharged Vacca because of an apparent conflict of interest. The conflict involved allegations of ineffective assistance of counsel at the plea negotiation stage.

I appointed Lawrence L. Kasperek, Esq. (“Kasperek”) to represent White during proceedings relating to ineffective assistance of counsel and sentencing. On July 19, 2005, I sentenced White principally to 168 months imprisonment. During White’s allocution prior to the sentence, he requested that I relieve Kasperek as his attorney and asserted that he wished to raise ineffective assistance claims not only against his prior trial lawyer, Mr. Vacca, but also against Mr. Kasperek. I was not able to determine precisely the reason for White’s disaffection with attorney Kasperek, but White was adamant and clearly wishes to lodge some type of ineffective assistance claim against Kasperek.

Under these circumstances, it is apparent that Kasperek should no longer represent Mr. White on appeal, or otherwise. Therefore, I hereby vacate the appointment of Lawrence L. Kasperek as attorney for Terrance B. White. At defendant's request, I have instructed the Clerk of the Court to file a Notice of Appeal on White's behalf. I, therefore, direct White to make application to the Second Circuit for appointment of counsel or encourage that court, *sua sponte*, to do so.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 28, 2005.